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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No: 23-cr-141-S
)	
CODY LEE FOSTER)	
)	
Defendant.)	

DEFENDANT’S RESPONSE TO GOVERNMENT’S MOTION TO CONTINUE
SENTENCING

RESPECTFULLY COMES NOW, Defendant, and hereby responds to the Government’s
Motion to Continue Sentencing as follows:

1) Cody Foster has been extremely cooperative with the Government in providing his
financial information and wants to continue to be extremely cooperative with the Government in
providing his financial information.

2) Mr. Foster revealed his entire financial circumstance as part of the PSI and agreed to
give full access to his financial information to the Government as part of his PSI. He has
previously signed releases for his financial information and is willing to sign any releases the
Government would like him to sign. He will not object to any subpoenas being issued.

3) The fact of the matter is that Mr. Foster is in custody without a single financial

document in his possession and no access to either his email or phone. Access to most of his online accounts require two-factor authentication, where – even if Mr. Foster had his login credentials – he would need access to his email or phone to get the email or text with the code.

4) In addition to the standard releases Mr. Foster signed and provided the US Probation Officer during the Presentence Report process, undersigned Defense counsel faxed yet another Financial Statement, provided by the United States, to Mr. Foster on December 11, 2023. Mr. Foster signed the document the same day and delivered it to employees of the Platte County Detention Center. That Financial Statement was never received back by the undersigned.

5) After several calls with the Platte County Detention Center, it was determined that the Financial Statement should be re-faxed to Mr. Foster on December 28, 2023. Again, Mr. Foster filled out the Financial Statement the same day. It was faxed back to the undersigned on December 30, 2023. The undersigned emailed the completed Financial Statement to the Government on January 1, 2024.

6) Despite being in jail with no access to any documents, Mr. Foster has asked his sister and family to look for financial documents the Government seeks. His family was able to find one tax return from 2022, and that has been provided to the Government. His sister was able to log in to Western Vista Federal Credit Union, which showed only one savings account active, and the activity from that account has been shared with the Government. She was also able to log in to his PayPal account, and that information has been shared with the Government. Mr. Foster is at a loss for how to provide any other documents, given his current circumstances.

7) Defendant has no strong objection to continuing the Sentencing hearing, but he will not be able to secure any more documents, no matter how much time the sentencing is extended, and he does have family who have booked plane tickets and accommodations for the sentencing.

Part of the reason for objecting to the continuance is that Defendant would like to know what exactly his obligations are to produce documents he cannot produce.

8) More than anything, however, Mr. Foster does not want it to appear that he is being uncooperative. He is being as cooperative as he can. Nothing about the above history should be taken against him in any way at sentencing and he is happy to continue being cooperative.

Respectfully submitted January 10, 2024.

/s/ Devon Petersen

Devon Petersen, Wyo. State Bar #6-4480
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Entry of Appearance was served on 1/10/24, by ecf to all parties.

/s/ Devon Petersen

Devon Petersen